

REMARKS

The claims have not been amended. Accordingly, claims 1-12 are currently pending in the application, of which claims 1 and 12 are independent claims.

Applicants request reconsideration and timely withdrawal of the pending rejections for at least the reasons discussed below.

Rejections Under 35 U.S.C. § 103

Claims 1-3 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,262,699 issued to Suzuki, *et al.* ("Suzuki") in view of U. S. Patent No. 7,123,218 issued to Takayama, *et al.* ("Takayama"). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2003/0057858 applied for by Lee, *et al.* ("Lee") in view of Suzuki, in further view of Takayama. Applicants respectfully traverse these rejections for at least the following reasons.

Applicants assert that Takayama is disqualified as a reference under § 102(e). Takayama is a U.S. Patent and is available under 35 U.S.C. § 102(e) as of its effective U.S. filing date, June 12, 2003. See MPEP § 2136.01(I) & MPEP § 706.02(V)(C). The present Application properly claims priority to and the benefit of Korean Application No. 2003-0026003, filed on April 24, 2003, and thus establishes a date of invention that is earlier than Takayama's effective U.S. filing date.

In accordance with 37 CFR § 1.55(a)(1), Applicants timely filed a claim of priority to and a certified copy of Korean Application No. 2003-0026003 on April 21, 2004. To disqualify Takayama as a valid reference under 35 U.S.C. § 102(e), Applicants now timely submit an English translation of the certified foreign priority document and a statement that the translation of the certified foreign priority document is accurate in accordance with 37 CFR § 1.55(a)(4)(ii).

Since Suzuki fails to disclose every feature of claim 1, and since Lee in view of Suzuki fails to disclose every feature of claim 12, these rejections cannot be maintained.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1 and 12. Claims 2-11 depend from claim 1 and are allowable at least for this reason. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1 and 12, and all the claims that depend therefrom, are allowable.

Claims 4-7 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Suzuki in view of Lee. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that claim 1 is allowable over Suzuki alone, and Lee fails to cure the deficiencies of Suzuki noted above with respect to claim 1. Hence, claims 4-7 are allowable at least because they depend from an allowable claim 1.

Additionally, the examiner rejects claims 4-7 and 11, which all depend from base claim 1, on the basis of Suzuki without relying upon Takayama to remedy the shortcomings of Suzuki with respect to claim 1. Since the examiner concedes that Suzuki fails to disclose every feature of claim 1 at page 3 of the Office Action, the rejections of claims 4-7 and 11 are facially invalid for the failure to remedy the shortcomings of Suzuki with respect to the base claim 1.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Suzuki in view of U. S. Patent No. 6,091,380 issued to Hashimoto, *et al.* ("Hashimoto"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that claim 1 is allowable over Suzuki alone, and Hashimoto fails to cure the deficiencies of Suzuki noted above with respect to claim 1. Hence, claim 11 is allowable at least because it depends from an allowable claim 1.

The examiner also fails to provide a reason to combine Suzuki with Hashimoto for the purpose of rejecting claim 11. In fact, the examiner appears to be providing some reason to combine Suzuki with Hashimoto, but then ends his sentence at “because” without any end punctuation. See Office Action, page 9, line 5. Absent some reason to modify Suzuki with the teachings of Hashimoto, this rejection is also facially invalid for failure to establish a prima facie case of obviousness.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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